

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

167

1 Q -- I could get a copy of those --

2 A I will do that.

3 Q -- I would appreciate it. Thank you.

4 A You're welcome.

5 Q But other than that --

6 A Yes.

7 Q -- have we fully addressed all of the
8 issues at Bear?

9 A Yes, we have.

10 Q Now let's turn to promotions. Let me show
11 you a document we'll mark as 13.

12 (Lacy Deposition Exhibit 13 marked for
13 identification and attached to transcript.)

14 BY MR. VANDEUSEN:

15 Q Ms. Lacy, do you recognize this document?

16 A Yes.

17 Q This is a letter from Sarah Ray?

18 A Yes.

19 Q March 30th, 2005?

20 A Yes.

21 Q Regarding a couple of interviews that you
22 had for positions?

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

168

1 A Yes.

2 Q And do you know why Ms. Ray wrote this?

3 A Well, I asked her to give me a note so that
4 when I went back to work, I could get paid for the
5 day.

6 Q Because you had to leave?

7 A Yes.

8 Q Obviously --

9 A I was off that day because it's hard to go
10 from Bear all the way to Washington, D.C. So
11 normally when I have a interview scheduled, you know,
12 they know, but they want proof. Just like today, I
13 need some notification from you saying that yes, I
14 was here.

15 Q Do you have the deposition notice we sent
16 you?

17 A Yes. And I gave them that, but they still
18 want -- remember I'm on that -- you're not on that
19 can do list.

20 Q So you're going to need a note from me?

21 A Yes. How about that?

22 Q Is that what you're telling me?

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

169

1 A Yes, I am. I want to make sure I got that
2 in too.

3 Q Who am I supposed to send the note to?

4 A You can do it to who it may concern or Mr.
5 McFadden. Ms. Lacy was in my office on October 6th
6 for her deposition. Simple as that.

7 Q Okay. Did somebody ask you for that?

8 A I always make sure I provide it.

9 Q So nobody's asked you to bring a note from
10 opposing counsel today to justify your deposition?

11 A Well, Delisa said that I should -- I might
12 want to bring one to show that I was here. I gave
13 her the notice that -- I had it yesterday, and she
14 said you might want to bring one to show that you
15 were actually there.

16 Q I'll talk to Mr. McFadden to make sure --

17 A Okay. Thank you.

18 Q -- he knows you were here.

19 A Okay. That's even better.

20 Q So you asked her just to write that just to
21 make sure --

22 A I always do.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

170

1 Q Okay. That's fine. And you did interview
2 for those two positions?

3 A Yes, I did.

4 Q And was Ms. Ray involved in the selection
5 process for those two positions?

6 A Mr. Cannon interviewed me, along with the
7 head of that department, for the employee development
8 officer position and also for the foreman 2. That
9 was another foreman, because I remember I got there,
10 and we had to wait for them to come over, and there
11 was a tie-up with a train or something, so --

12 Q And you didn't get either one of those
13 positions?

14 A No, I didn't.

15 Q Do you know who got those positions?

16 A No, I don't.

17 (Lacy Deposition Exhibit 14 marked for
18 identification and attached to transcript.)

19 BY MR. VANDEUSEN:

20 Q Do you recognize this document?

21 A Yes, I do.

22 Q That's a document you created, isn't it?

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

171

1 A Yes, it is.

2 Q And those are positions you applied for
3 between October of 2003 and October of 2004, correct?

4 A November 2003.

5 Q All right. I'm just looking at the thing
6 at the top.

7 A Yeah. I went from November 2003 up until
8 2004. That's when I filed my charge to the EEOC.

9 Q I'm sorry. That's what you were presenting
10 to the EEOC?

11 A Yes.

12 Q So we're looking at 2004 forward, so let's
13 look at the ones starting with the crew management
14 position January of '04.

15 A Yes.

16 Q Number 50124988.

17 A Yes.

18 Q And what I'm going to do is I'm going to
19 give you a copy of the job requisition or the job
20 posting, and for each of these I'm going to go
21 through them, and we're going to talk about them.

22 A Okay.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

172

1 Q That's my plan.

2 A Okay. Now, keep in mind when I applied for
3 these positions, I'm going back to the fact that I
4 was a job relief recipient in the McLaurin claim. Do
5 you understand what I'm saying?

6 Q No, ma'am, I don't.

7 A Okay. I'm looking at it from the
8 perspective that I'm listed as a job relief claimant
9 in the class action suit, and I'm thinking that okay,
10 the consent decree has been issued, and I missed out,
11 so I'm thinking okay, let me put in for the positions
12 that I have the qualifications for and maybe some of
13 the positions that I may not have all the
14 qualifications for, but thinking that they'll say in
15 human resources you know she was supposed to be
16 promoted when the other five candidates were, but she
17 wasn't, so let's consider her for the position.

18 Q Sort of getting McLaurin relief after --

19 A Later.

20 Q -- after the time passed --

21 A Yes.

22 Q -- for whatever --

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

173

1 A Not knowing why I was overlooked. Okay?

2 Q Other than what Mr. Lieder said in his
3 letter in 2004? Is that what prompted you to start
4 applying for these positions?

5 A No. I've always applied for the positions.

6 Q Let me put it this way. Did Mr. Lieder's
7 letter in April of 2004, the one we looked at and
8 talked about --

9 A Yes.

10 Q -- have any impact on your applying for or
11 not applying for positions?

12 A Probably after I found that I wasn't going
13 to be considered for -- or the consent decree was
14 closed, and I -- the other five persons were
15 promoted, and I wasn't. I don't know if I -- I can't
16 remember when I came to the conclusion that let me
17 start back up and putting in because I kind of get
18 discouraged. I mean after 22 years of service with
19 Amtrak, you're going to have a -- I mean I've gotten
20 to a point -- it used to -- I used to just put in,
21 put in, put in always. I went back and looked at
22 some of the applications I had put in in '88, '89. I

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

174

1 still have those, and denial letters. So I look at
2 it, and I'm very consistent figuring that maybe one
3 day they'll mess up, they'll slip up and say we're
4 going to give her a promotion that she's earned and
5 desires or is entitled to. So I kind of put in and
6 --

7 Q You view that as a slip-up --

8 A Yeah, I do.

9 Q -- if they promoted you?

10 A Because I can't see -- I can't see -- I
11 can't see --

12 Q Hold on. Let me just make sure. You would
13 view Amtrak promoting you now as a slip-up --

14 A Prior to.

15 Q -- on their part?

16 A Prior to now as a slip-up.

17 Q Why?

18 A Why? Because you're not going to sit here
19 and tell me that in 22 years, having a bachelor's
20 degree and my background in the railroad, that I
21 didn't qualify for at least one of those positions
22 when I'm putting in for 20 and 30 positions every

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

175

1 year.

2 Q Is it possible there are other people who
3 also had a degree or had more experience in the
4 particular job that you'd applied for that was
5 selected instead of you?

6 A Yes. And there's probably a lot of people
7 that weren't qualified just as I may -- or I may have
8 been qualified and them not. You understand what I'm
9 saying? I'm sure there's people.

10 Q What you're suggesting -- and we're going
11 to focus on this with respect to 2004 and 2005.

12 A Okay. Okay.

13 Q But what you're saying is for these
14 positions we're going to talk about, you applied for
15 them?

16 A Yes.

17 Q Did you think you were qualified?

18 A We'll go individually. I'll have to look
19 at it.

20 Q Some maybe yes?

21 A Some of them.

22 Q Some maybe no?

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

176

1 A Probably did, yes. Some of them I might
2 have been flipping a coin saying you know what?
3 Maybe.

4 Q Okay.

5 A To be honest about it.

6 Q Thank you. That's what I want you to be.
7 Do you know who was selected when you weren't for
8 these different positions?

9 A No, I don't.

10 Q If an individual was selected who also was
11 African-American, for example, would you think that
12 you'd been discriminated against because of your
13 race?

14 A No, because of their -- if they're
15 African-American, and it's two African-Americans
16 going for the same job, there's no discrimination
17 whoever gets picked unless the person's more
18 qualified than the other one, but see, I don't have
19 access to that information.

20 Q So if the individual selected was female,
21 would you think it was because of sex that you
22 weren't selected?

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

177

1 A No, I wouldn't think that. I would have to
2 know the whole contents of -- you know, I would like
3 to see, but I don't have access to that.

4 Q So in having made these allegations that
5 you've been denied promotions --

6 A Yes.

7 Q -- in 2004 and 2005 --

8 A Yes.

9 Q -- because of your sex and your race --

10 A Yes.

11 Q -- which is what you're alleging in this
12 lawsuit --

13 A Yes.

14 Q -- do you have any information to suggest
15 that for any of these positions your sex or your race
16 played a role in your failure to be selected?

17 A I'm going to say yes. That's why I'm
18 here. Okay? But I don't have the information that
19 you have as far as who got the job and what their
20 qualification's for. And I'm going to say this.
21 Ever since I've applied for positions, they've told
22 me before you even apply for the position, Alvia,

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

178

1 they already have the person picked out who's going
2 to get it.

3 Q Who's told you that?

4 A It's consensus among employees.

5 Q It's the rumor that goes around?

6 A There's some rules that aren't written, you
7 know, just like you're on the list, and you're not on
8 the list.

9 Q And you believe that all of this effort to
10 go through the promotion process here is really a
11 scam because the person who they really wanted has
12 already been picked for the job?

13 A I feel that way. I really do.

14 Q So it would be -- would that explain why
15 you think it would be a screw-up if in fact you were
16 picked?

17 A Yeah.

18 Q Because you don't think anybody has any
19 intention to pick you ever?

20 A I don't. I don't. I don't. They can't.
21 I've put in for jobs that require a high school
22 diploma. You're telling me as a college graduate, I

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

179

1 can't walk into a job and successfully do a position
2 and hold a position that would cause a person with a
3 high school diploma to do? I've had people in my job
4 come up to me and say you should be running this
5 facility. Had they treated you fairly, you would
6 have been a general foreman. Had they treated you
7 fairly, you would have been a superintendent. So
8 there's no way I'm going to sit here and say that I
9 don't -- that I don't think that what they do is
10 discriminatory. It's no other word for it.

11 Q Could it be they just don't like you?

12 A That too, but that shouldn't be a part of
13 that, not when you're trying to run a corporation,
14 but it is. Unfortunately it is. For me it is.

15 Q Okay. Let's look at the first one, which
16 is 50124988.

17 (Lacy Deposition Exhibit 15 marked for
18 identification and attached to transcript.)

19 BY MR. VANDEUSEN:

20 Q Take a minute to look at that. Do you
21 recognize that as the requisition for the director of
22 crew management services?

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

180

1 A Yeah. Our posting has changed. Yes, it
2 looks -- that's it.

3 Q All right. And that was effective January
4 7th of 2004, correct?

5 A Yes.

6 Q And it says here that for education,
7 looking for a bachelor's degree in business
8 administration, operations management or other
9 fields. And you have a bachelor's degree in business
10 administration, correct?

11 A That's correct.

12 Q Work experience. Demonstrated experience
13 in environment involving T and E and/or OBS. What's
14 T and E?

15 A I believe it's track -- I'm not sure. I
16 know OBS is on-board services.

17 Q On-board services. Must be conversant with
18 BLE, UTU and ASWC operating agreements. What are
19 those?

20 A Those are the unions that are connected
21 with those two units.

22 Q Now, do you have experience in OBS,

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

181

1 on-board services, or are you conversant with those
2 union agreements?

3 A No, but it doesn't say must have. And when
4 I see something that demonstrate experiences, I look
5 at it, and if I can --

6 Q I'm sorry, ma'am. It says must be
7 conversant with the BLE, UTU --

8 A Okay.

9 Q -- operating agreements --

10 A Okay.

11 Q -- doesn't it?

12 A Yes. Okay.

13 Q So you were not?

14 A Okay.

15 Q Is that correct?

16 A Now, do you have my application? No.
17 You're correct. No, I'm not. But do you have my
18 application that went with this?

19 Q Don't get ahead of me.

20 A Okay.

21 Q I know we want --

22 A It's just slow.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

182

1 Q -- to move things along.

2 A Yeah. It's just so slow.

3 Q I need to make sure that I get --

4 A Everything. I understand.

5 Q -- everything down.

6 A I understand.

7 Q All right. Well, let me show you a
8 document we're going to mark as number 16.

9 (Lacy Deposition Exhibit 16 marked for
10 identification and attached to transcript.)

11 BY MR. VANDEUSEN:

12 Q On the front is a letter that you'd
13 received in February suggesting that somebody else
14 had been selected for that position, correct?

15 A Yes.

16 Q And if you turn to the second and third
17 pages of Exhibit 16, you're going to see the
18 application that you submitted.

19 A Yes.

20 Q And we know it's the application that was
21 submitted because if you look in the top right-hand
22 corner, the posting notice number --

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

183

1 A Matches.

2 Q -- it matches.

3 A Uh-huh.

4 Q And you asked me -- although I'm supposed
5 to ask the questions, and you're supposed to answer
6 them, but you asked me if I had your application.

7 A Okay.

8 Q And I do.

9 A There it is.

10 Q So what about this application suggests
11 that you were qualified for the position of director
12 of crew management services?

13 A I probably was basing it on the fact that I
14 had a bachelor's degree, and I knew that there had
15 been other positions where I'm sure -- I'm going to
16 say I'm sure there's other positions that a candidate
17 did not have all the experience that they were
18 requesting and may have been promoted to positions.
19 So even though I did not have the BLE and UTU
20 operating agreement knowledge, I probably said let me
21 put it in, and maybe this would be one of those where
22 they'd flip a coin.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

184

1 Q Do you know who was selected for that
2 position?

3 A No, I don't. I never do a follow-up to see
4 who's promoted.

5 Q But if somebody who had been promoted to
6 that position, as you described before, would have
7 been either African-American or female, that would --
8 you wouldn't think then that the selection was based
9 on your race or sex?

10 A If someone was promoted to this position
11 that was African-American female or male and had all
12 the qualifications that they're asking for, including
13 the bachelor's degree, the experience with the BLE
14 and T and E and on-board services and so forth, then
15 I would feel it was a justifiable denial for me not
16 receiving it as a promotion.

17 Q But if they didn't have every one of those
18 things, you would think it could be discriminatory
19 even if --

20 A Yes, I would.

21 Q -- even if it was an African-American
22 female? So somebody would have to have all of those

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

185

1 things even if you didn't?

2 A Excuse me. I don't know. When you say
3 that, I don't like -- it confuses me, so I can't
4 answer it.

5 Q Okay. Well, let me --

6 A It confuses me. You're saying like if
7 it's a black woman and a black woman, if she gets it
8 and you don't, if she's qualified, I don't have a
9 problem with that. That's my point. It's not going
10 to change. But if she gets it because somebody wants
11 her to get it, and they don't want me to get it, then
12 I have a problem with that.

13 Q Would you have a problem with that --
14 thinking that it was discrimination based on race and
15 sex?

16 A No, because it's not race or sex. It's
17 because I like you, but I don't like her. I like
18 her, but I don't like Alvia. So it's not racist.
19 It's a personal opinion.

20 Q Personality?

21 A Yes, yes.

22 Q It would be a personality issue?

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

186

1 A Yes.

2 Q And that's -- in fact, when we talk about
3 Bear and your perception generally, a large part of
4 it is --

5 A Yes.

6 Q -- a personality issue?

7 A Yes. So a personality issue will keep you
8 from getting promoted, but if you're smart, you're
9 going to find a way to make it look like it's a issue
10 of not being qualified, and there's many ways to do
11 that.

12 Q And thinking back to the events that have
13 happened in Bear in 2004 and 2005 --

14 A Yes.

15 Q -- I think you've described a lot of things
16 where you believe it's personality --

17 A Yes.

18 Q -- related?

19 A And prior to, yes.

20 Q Let's look at the next one, which would be
21 position number 50175062.

22 (Lacy Deposition Exhibit 17 marked for

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

187

1 identification and attached to transcript.)

2 BY MS. VANDEUSEN:

3 Q This was a high speed rail supervising
4 technician.

5 A Yes.

6 Q Do you recall applying for this position?

7 A If I listed it down, yes. I mean I
8 probably did.

9 Q Do you recall withdrawing your application?

10 A No, I never do that. Is that what's
11 documented?

12 Q I'm just wondering if you have a
13 recollection of that or not.

14 A No, I don't.

15 Q Okay.

16 A That would be a new move. That's what I'm
17 asking.

18 Q Let's look here. Education, high school
19 diploma. You have at least that. Education
20 preferred, technical or trade school. Work
21 experience, must have some mechanical or electrical
22 experience. Would you consider you had that?

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

188

1 A I think so. Mechanical, yes.

2 Q Mechanical? All right. And work
3 experience preferred, supervisor experience in
4 electrical or mechanical field. You don't have that?

5 A Well, I looked at the 66 days that I was
6 able to hold in the foreman's program as officially
7 some training.

8 Q So you would say you had some based on the
9 66?

10 A Yeah.

11 Q You had 66 days of supervisor?

12 A Yes.

13 Q Do you know who was selected for this
14 position?

15 A No, I don't.

16 (Lacy Deposition Exhibit 18 marked for
17 identification and attached to transcript.)

18 BY MR. VANDEUSEN:

19 Q Do you recognize that?

20 A Yes, I do.

21 Q That would have been the application you
22 submitted for --

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

189

1 A That position.

2 Q -- that position --

3 A Yes.

4 Q -- the one we just talked about, number
5 17? All right. Now, if I go back and I look at
6 Exhibit 16 and compare it to Exhibit 18, it appears
7 to be identical except for the upper right-hand
8 corner where you identify --

9 A The position.

10 Q -- the position.

11 A Yes.

12 Q Is that what you would do? Would you just
13 photocopy or otherwise resubmit the same application?

14 A Okay. I guess out of applying so much, I
15 have a folder. It has the job opportunity
16 application completely finished out. This is
17 information that's never going to change. Okay?
18 They're blank. Then I have page 2, and on page 2 I
19 have four different sheet forms I use. If the
20 position qualifies more technical skills, I use that
21 sheet. In other words, where it says please explain
22 how you fill the posted skills and experience

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

190

1 requirements for this position, if the position
2 requires experience from a track or mechanical
3 abilities or FRA, that paragraph will focus in on
4 those duties that I have obtained and knowledge I
5 have. I have another sheet, the second page, and on
6 it it may have I basically fill the requirements of
7 this position because I have a bachelor's degree. It
8 may be brief. So I have like four different number
9 page 2s, page number 2 in my file that I have. And
10 when a position comes up, and I want to put in for
11 it, I go in my folder, and I say now, which one best
12 matches and fits the requirements, and I pull it. So
13 you're going to find that to either be the same on
14 quite a few or maybe different.

15 Q Or marginally different?

16 A Yes.

17 Q Because obviously a lot of this information
18 is the same.

19 A Yes.

20 Q Okay. Thank you for clarifying that.

21 A You're quite welcome.

22 Q Do you know who got that position?

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

191

1 A No, I don't.

2 Q And we can go through each of these, but
3 would it be accurate to say you don't know who got
4 any of these positions?

5 A For the most part I don't. Some of them,
6 like, for instance, there's a position at Bear, it
7 was the transportation facilitator or something of
8 that nature, and I know one of the ladies in the
9 office got that.

10 Q Let's look at the next one, which would be
11 50171836.

12 (Lacy Deposition Exhibit 19 marked for
13 identification and attached to transcript.)

14 BY MR. VANDEUSEN:

15 Q Do you recognize that?

16 A Yes.

17 Q If we look at education here, high school
18 diploma or equivalent, you had at least that. Work
19 experience, prior customer service experience either
20 in an on-train capacity or in a service center
21 environment. Did you have that?

22 A Yes, I did.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

192

1 Q You did? How did you have that?

2 A I used to work at the Military
3 Communications Center on the Aberdeen Proving Ground
4 as a customer service rep. I worked there part-time
5 for about six years while I was employed at Amtrak.

6 Q So when would that have been?

7 A That would have been -- where is one of my
8 current applications? There it is. CRS MCC,
9 Military Communications Center, from 1997 to '99.
10 That's specifically why I did that. I did that
11 part-time job to get out of the technical rim. Maybe
12 Amtrak would say well, she's doing some customer
13 service. And I was doing computer work and closing
14 and night closings and accounting and things of that
15 nature, things that related to my degree. So I
16 thought if maybe they saw me in that capacity, you
17 know, they would kind of put the connection there.

18 Q When you submit a job opportunity
19 application as an internal candidate at Amtrak, are
20 you able to submit other things in addition to that
21 --

22 A Yes, you can.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

193

1 Q -- to support and explain?

2 A Yes. Like a resume?

3 Q Uh-huh. Or a cover letter or something
4 that says here's what I've got?

5 A Well, most of the time because you're
6 internal, you don't need a cover letter. I throw a
7 resume in, but I'm like this. Most of the people in
8 human resources in both Philadelphia and Washington,
9 D.C. know who I am. I have interviewed in
10 Washington, I have interviewed in Phillie, so they
11 know me. So it's really not that -- it's no big deal
12 about what kind of background I have, what I can do,
13 what my qualifications are, so I don't usually do the
14 cover letter.

15 Q Why do you think that is? Why do you say
16 it's no big deal?

17 A Because I look at it from a point of view
18 that the people that are in human resources, I'm the
19 human resources person. Okay? I'm going to look at
20 the candidates who apply, submit an application. I
21 know Alvia. I know Alvia has a bachelor's degree. I
22 know Alvia has some experience as a customer service

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

194

1 rep. Okay. Here's her application. Nah.

2 Q Well, how do they know that?

3 A Because it's a given. If you were to call
4 and ask Ms. Ray what could you tell me about Ms.
5 Lacy, I bet you right off the bat she could tell you
6 I know Ms. Lacy has a college degree, she has a
7 degree in business, she's been here for 20 something
8 years. She would know that. Mr. Cannon knows it.

9 Q Would she know you had customer service
10 looking at this experience?

11 A Yes, yes, because --

12 Q Just off the top of her head with all the
13 other employees at Amtrak she has to deal with?

14 A I think so, because the last time I
15 interviewed, I told Ms. Ray that I was tired of
16 applying, and I was really losing hope. And she said
17 don't give up. You've got your degree. Hang in
18 there. So it's like it's a family, everybody, you
19 know. You know what his qualifications are. You
20 know what he can do. You know. You know. There's
21 some managers that only have a high school diploma.

22 Q Nobody's taking anything away from the fact

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

195

1 that you got a college degree looking at the work
2 experience issues. And when you worked as a CSR, you
3 said it was a part-time position?

4 A Yes, it was.

5 Q And for, it looks like maybe a couple
6 years?

7 A Yes, '97 to '99.

8 Q And how many hours a week would you say you
9 worked at that?

10 A Usually 20, 25, if that.

11 Q In addition to a --

12 A My full-time job.

13 Q Your job at Amtrak?

14 A Yeah.

15 Q Let's look at the next one, which would be
16 50172570.

17 A Can you say the date when you say those?
18 Because I'm always --

19 Q I'm sorry.

20 A You know, it would help me. I've looked at
21 these a thousand times, and it kind of hurts to look
22 at them all over again.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

196

1 Q Well, I --

2 A I understand.

3 Q We have to go through it.

4 A Yeah.

5 Q Unless you just want to pack up and go
6 home.

7 A No. I want to -- I mean I could -- I guess
8 I could carry on to a second day. I don't know if
9 you feel like that or not, but --

10 Q Well, it's only about 2:00 o'clock now. I
11 think, frankly, we'll be done within an hour --

12 A Okay.

13 Q -- or hour and a half.

14 A Okay.

15 Q Looking at March now of '04 on your list --

16 A Okay.

17 Q -- and the inventory services job on your
18 list, do you see that?

19 A Yes.

20 Q All right. 50172570.

21 (Lacy Deposition Exhibit 20 marked for
22 identification and attached to transcript.)

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

197

1 BY MR. VANDEUSEN:

2 Q Do you recognize this job description?

3 A Yes.

4 Q Now, here it says education, bachelor's
5 degree. And work experience, proven experience in
6 materials management, slash, inventory, proven
7 demonstrated experience in logistical analysis and
8 project management skills preferred. Did you have
9 that work experience?

10 A I think I was equating the fact that I go
11 on the system and order parts working day to day as
12 the material management inventory type thing. I
13 think I was looking at it from that perspective.

14 Q Do you know whether that's the way Amtrak
15 would look at it?

16 A You know what? I really don't know because
17 I've had incidents where I applied for positions and
18 felt like what I had listed was one thing, and they
19 said it was another.

20 Q Do you know who was selected for this
21 position?

22 A No, I don't.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

198

1 Q Don't write on that.

2 A Oh, okay. I thought that was mine.

3 Q No. I'm going to have --

4 A Okay. That's okay. I want to make sure I
5 know the date that you started. Okay. I'm all
6 right. I mean I'm looking at this, and I don't know
7 why we didn't go from the top down.

8 Q Because we're talking about things that
9 happened from January of 2004 --

10 A Okay.

11 Q -- forward. That's why.

12 A Okay.

13 Q Are you ready?

14 A Yes.

15 Q Let's look at the next one, which would be
16 also March of 2004, senior manager material control.

17 A Uh-huh.

18 Q 50175903.

19 (Lacy Deposition Exhibit 21 marked for
20 identification and attached to transcript.)

21 BY MR. VANDEUSEN:

22 Q Do you recognize that job application?

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

199

1 A Yes, I do.

2 Q Now, looking in the top part there under
3 position, department, location, band and zone, do you
4 see that --

5 A Yes.

6 Q -- where it says band and zone? What are
7 the bands referring to there? Do you know what the
8 level of management bands are?

9 A From what I understand, I think you have
10 like C1, C2, C3, and I believe the higher you go, the
11 higher the salary.

12 Q And the higher the number, so a C1 would be
13 a lower level than a C2?

14 A Yes.

15 Q Which would be a lower level than a C3?

16 A Than a C3, yes.

17 Q That's your understanding?

18 A That's what -- I mean --

19 Q That's fine.

20 A It's just a guess, but --

21 Q All right. So you applied for the position
22 of senior manager of material control, which is a C2

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

200

1 position?

2 A Yes.

3 Q Okay. Now, it says bachelor's degree in
4 business-related field, and then work experience,
5 proven demonstrated experience in materials
6 management, warehouse inventory control, planning and
7 distribution environment, prior supervisory
8 experience. You're saying you thought you were
9 qualified for these because you engaged in inventory
10 ordering in your position, and you had 66 days in the
11 foreman program?

12 A Well, let me say this because you're making
13 it -- to me, you're making me feel like it was
14 nothing, but let me say this. When I looked at this
15 position, I saw the bachelor' degree in business, and
16 I said I have that. Then I looked at the work
17 experience, and it said proven demonstrated
18 experience in material management. Now, I usually
19 say to myself can I do that? Yes, I can do that.
20 Now, maybe I was wrong for not saying proven, but I
21 felt like yes, I can do that. So I'm not always
22 going to have what they ask for discrim -- what they

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

201

1 ask for to demonstrate or specifically, but -- and it
2 doesn't say must have. It says proven, yes.

3 Q Well, here they don't have must have
4 anywhere.

5 A Right.

6 Q So I take it that at least in the drafting
7 of this and some of these others where there isn't a
8 must have --

9 A Then I would apply for it.

10 Q I see. Okay.

11 A Because she told me don't worry about
12 nothing else. If it says must have, make sure you
13 have the must have, and that's what I normally did.
14 So if I was wrong for going by what Ms. Hattie McCoy
15 told me, I guess I'll look at it a little differently
16 now.

17 Q Do you know who got this position?

18 A No, I don't. For the record I don't know
19 who got any of the positions.

20 Q Well, you said you recalled one.

21 A Yeah, but for most of them --

22 Q Well, I may ask you that anyway just to

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

202

1 make sure we get it clarified.

2 A Okay.

3 Q Let's go to the next one, March of '04,
4 project engineer, 50156915.

5 (Lacy Deposition Exhibit 22 marked for
6 identification and attached to transcript.)

7 BY MR. VANDEUSEN:

8 Q Do you recall this job?

9 A Yes, I do.

10 Q And this was -- looking at the band, zone,
11 this was a C1?

12 A Yes.

13 Q Looking down to work experience, here's one
14 of the ones that says must have. Must have some
15 experience and knowledge of train operations,
16 railroad maintenance and construction methods. Did
17 you have that?

18 A Yeah, I think so. By working on the track,
19 I did.

20 Q Some experience working with contractors.
21 Did you have that?

22 A No.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

203

1 Q Demonstrated skill using PC-based word
2 processing, spreadsheet, presentation software?

3 A Yes.

4 Q Some experience in working with multiple
5 team members?

6 A Yes.

7 Q Some experience communicating orally and in
8 writing within and outside the organization?

9 A I think yes on that.

10 Q Demonstrated ability in the exercising of
11 considerable judgment and initiative?

12 A Yes.

13 Q In which capacity would you have that?

14 A Day to day you make judgment calls even on
15 the job, and opposed to not having a part or getting
16 a part or going to the next phase of an operation, so
17 I would say yes.

18 Q Some experience in planning, scheduling,
19 administration and contracts management, and
20 construction management, including railroad force
21 account?

22 A On that one I want to refer back to -- a

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

204

1 lot of times I'd refer back to my course studies like
2 strategic planning and economics.

3 Q Courses you took?

4 A Yes. And I would think that was entitled
5 in that.

6 Q That would be education as opposed to
7 experience --

8 A Yes.

9 Q -- though, wouldn't it?

10 A Yes.

11 Q And some experience in project management?

12 A Yes, because I was on a committee to -- we
13 wrote the trucking procedures when I was on the
14 safety team, so I probably looked at that as the
15 project -- no, it wasn't the manager, but I was part
16 of that group.

17 Q Part of the team?

18 A Yes.

19 Q Do you know who got that position?

20 A Bob Jones. No. I'm just joking. I don't
21 know who got that. I'm sorry. I can't help it.

22 Q Let's go to the next one, March of '04.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

205

1 A Yes.

2 Q Human resources officer.

3 A Yes.

4 Q 50121016.

5 (Lacy Deposition Exhibit 23 marked for
6 identification and attached to transcript.)

7 BY MR. VANDEUSEN:

8 Q Looking at this document, do you recall
9 this job, this position?

10 A I tell you these printouts, I've never seen
11 them looking like this. I guess so.

12 Q Did you have some human resources
13 experience, including recruiting, staffing, and EEO
14 affirmative action compliance?

15 A No. I think I took it due to the fact that
16 I had some experience with EEOC charges and filing
17 complaints and knowing what some of the --

18 Q Oh, you had human resources experience
19 because you'd --

20 A Yeah.

21 Q -- sued Amtrak?

22 A Well, yeah, I kind of got a lot of

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

206

1 knowledge through that process. It wasn't -- well, I
2 didn't want to get the knowledge, but I did.

3 Q Do you know who got this position?

4 A No, I don't.

5 Q Let's look at --

6 A Excuse me. Is there an application to go
7 with that one? Was there an application? Because I
8 don't know if I even put in for that.

9 Q I was going to avoid going through because
10 you --

11 A Okay.

12 Q -- told me you copied each of these, but
13 let me show you a document. I won't mark it as an
14 exhibit unless --

15 A Okay.

16 Q -- you have a question about it.

17 A Okay.

18 Q It reflects the same number.

19 A 016. Okay. That's fine.

20 Q Okay? Satisfied that you applied for that
21 position?

22 A Yes.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

207

1 Q Let's look at the next one, 5007109, March
2 of '04, government affairs specialist.

3 (Lacy Deposition Exhibit 24 marked for
4 identification and attached to transcript.)

5 BY MR. VANDEUSEN:

6 Q Do you recall this position?

7 A Yes.

8 Q This says under work experience, must have
9 direct employment experience on Capitol Hill or in a
10 federal government relations office with a good
11 understanding of the legislative process. Did you
12 have that?

13 A No, I didn't, but I did have the bachelor's
14 degree that was required in business, and I did have
15 must have editorial abilities and good judgment about
16 the content of final product. So I did have those
17 two. Then I had the communication and interpersonal
18 skills, and then the superior oral and written
19 communications skills, I had that, and I was willing
20 to travel five percent.

21 Q And if you'd been deemed not qualified for
22 this position by human resources --

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

208

1 A Yes.

2 Q -- would you think that was because there
3 was discrimination?

4 A That threw me off.

5 Q I'll restate it. The way you described the
6 process for selection --

7 A Yes.

8 Q -- you said that the applications come in
9 to human resources?

10 A Yes.

11 Q And human resources makes the first review
12 of whether they meet the qualifications or not?

13 A I'm assuming they do.

14 Q Right. That's what you said.

15 A Yeah.

16 Q Okay. Let's assume that they do.

17 A Okay.

18 Q That's where you said that you'd been told
19 if you meet the must haves, and you want to apply,
20 you should apply?

21 A Yes.

22 Q All right. But if you don't meet the must

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

209

1 haves, and you're put into the not qualified pile
2 because you don't have the must haves --

3 A Yes.

4 Q For example, let's say Sarah Ray does that
5 review.

6 A Okay.

7 Q And looks at this and says oh, doesn't have
8 the direct employment experience on Capitol Hill.

9 A Okay.

10 Q Puts you in the not qualified pile.

11 A Okay.

12 Q Do you consider that discrimination --

13 A No.

14 Q -- based on race or sex?

15 A No, I don't. No, I don't. But I consider
16 it discrimination if the persons that were selected
17 didn't have the experience on Capitol Hill, and that
18 information I don't have access to.

19 Q Do you know who was selected for this
20 position?

21 A No, I don't.

22 Q Let's look at the next one, job reference

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

210

1 50146685. It's March of '04, assistant division
2 engineer.

3 A Oh, I wanted that job so badly.

4 Q Okay. That was a D1 job.

5 A Okay.

6 (Lacy Deposition Exhibit 25 marked for
7 identification and attached to transcript.)

8 BY MR. VANDEUSEN:

9 Q Do you recognize that?

10 A Yes, I do.

11 Q It says under must have, high school
12 diploma or equivalent, and a BS in civil engineering
13 or equivalent work experience would be preferred.
14 Then we go down to must haves in work experience.
15 Extensive experience in railroad track maintenance
16 and construction. You would say you met that?

17 A Yes.

18 Q And that was from your time working the
19 track between '83 and '88?

20 A Correct.

21 Q Demonstrated experience in project
22 management?

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

211

1 A Only thing I can say with that is being
2 part of the team.

3 Q The team that you talked about?

4 A Yeah, team.

5 Q Experience and knowledge of train
6 operations, project scheduling, manpower utilization
7 and track usage?

8 A Yes.

9 Q How do you have that?

10 A Well, I just looked back on the fact that
11 when I was on the track, we knew that it would be --
12 you'd say where are we working tonight, what are we
13 going to be doing, what track? This is what you had
14 to know as a trackman, what track was going to be out
15 of service, what we were supposed to accomplish that
16 night, you know. So I looked at that as yes, I was
17 part of that. You know, that was part of my work --

18 Q And would that include --

19 A -- responsibility.

20 Q And that would include knowledge of train
21 operations in your opinion?

22 A Well, when you look at this statement, it

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

212

1 said experience and knowledge of train operations.

2 If you ride the train every day, and you know the

3 number 29 leaves Baltimore at 3:30, you could say you

4 have experience and knowledge of train operations.

5 Am I right or wrong?

6 Q Project scheduling?

7 A Nah.

8 Q Manpower utilization?

9 A Yes, knowledge of.

10 Q And track usage, which is what you were
11 referring to, which trains are on which tracks?

12 A Yes.

13 Q Working knowledge of B and B, C and S, and
14 ET departments?

15 A Okay. Yes.

16 Q What's B and B?

17 A Building and bridges.

18 Q C and S?

19 A Catenary system.

20 Q ET?

21 A Electric traction.

22 Q Okay. And how would you have a working

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

213

1 knowledge of those three departments?

2 A Because as a track person, you intertwine
3 and interact with those people. In other words, you
4 may have some B and B people out -- out of precipio
5 doing some work on the bridge, and when you bring
6 your gang out there, it's like well, who are the
7 people? Because it's your responsibility to know who
8 you're working with and who's in what area. So there
9 have been many occasions where there were B and B
10 employees, C and S, and E T people, all of us all
11 together, so I felt like I understand that whole
12 process, I know what they do, and therefore, I
13 thought I was qualified under that statement.

14 Q MW 1000 qualification?

15 A Yes.

16 Q You had that?

17 A Yes. Now, they're not current, they
18 weren't current, but I knew I could take the test and
19 pass it. MW 1000 is basically your physical
20 characteristics. Do you want me to go into detail of
21 that also?

22 Q At the time you -- no. Let me ask you this

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

214

1 question. At the time you applied for this
2 position --

3 A Yes.

4 Q -- did you have an MW -- a current MW 1000
5 qualification?

6 A No, I didn't. However, for the record
7 Amtrak has a rule that if it's a -- now, from what
8 I've been told from my union, if it's a position just
9 like right now, when I first bid the airbrake
10 position, I wasn't airbrake-qualified, but I have 16
11 days to get qualified. So in other words, had I been
12 promoted to this position, they probably would have
13 said well, you must be MW-qualified within 20 days,
14 and I knew that I could adhere to that because I had
15 in the past.

16 Q Demonstrated skills using PC-based word
17 processing and spreadsheet software?

18 A Yes.

19 Q So you had that. Knowledge and experience
20 in FRA regulations?

21 A Yes.

22 Q Now, what's that?

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

215

1 A Well, as an employee from the track to now,
2 you have to be familiar with FRA regulations in
3 reference to wheel size. I've been a car inspector,
4 coupler heights, airbrake, all that. There's
5 regulations that governs that, and I know it, and
6 I've done it.

7 Q How about knowledge of NORAC, RWP and
8 AMT-II?

9 A Okay. NORAC, basically a lot of the guys
10 at B and B are with that. I don't know a whole lot
11 about NORAC, but I know it has to do with like the
12 guys that do the maintenance on the building, like
13 the air conditioning units and things of that
14 nature. I understand that that's part of that group.
15 And the AMT-I and II would be your -- I'm assuming
16 that that would be your 238 qualification, which
17 is -- there's a qualification that you take a test
18 for, and it's called 238 interior and exterior, and
19 that means that you are qualified to do anything, and
20 you know what the procedures are to do anything
21 interior in the car and exterior. They're two
22 different categories, but they're called 238, AMT